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In re Application of
FLAMENT, DANIEL
Appl No.: 09/775,041
now US Patent Number 6,912,942
Issue Date: 07/05/2005
Filed: February 01, 2001
For: METHOD AND DEVICE FOR REMOVING
PARTICLES FROM WEBS OF MATERIAL

**DECISION GRANTING
PETITION**
37 CFR 1.181

This is a decision on the request filed November 15, 2004 to review the Notice of Non-Compliant Appeal Brief mailed September 24, 2004 in response to the Substitute Appeal Brief filed May 28, 2004. Petitioner requests that the Substitute Appeal Brief be ruled compliant, or in the alternative, to reset the period for response. Petitioner also requests a refund of the fee for the four-month extension of time necessitated by the examiner's action to hold the Substitute Appeal Brief non-compliant and to not reset the period for response. The petition is considered pursuant to 37 CFR 1.181. No fee is required for this petition.

The petition is granted.

Petitioner's summary of the prosecution history in the background section of the present petition is substantially correct. It is also noted that the present application has subsequently issued as US Patent Number 6,912,942. The four-month extension of time was necessary due to the examiner holding the Substitute Appeal Brief non-compliant and not resetting the period for response in the letter of September 24, 2004. However, a review of the Substitute Appeal Brief indicates that appellant presented separate arguments for independent claims 4, 16, and 17. To provide the requested relief, this decision alters the letter of September 24, 2004 so that the period for response is set for one-month from the mail date of that letter. Accordingly, the four-month extension of time is unnecessary and the fees charged for the extension of time are refunded to petitioner.

Frederick R. Schmidt, Director
Technology Center 3700